



Spring 2004

# HUMAN RIGHTS REPORT

Kentucky Commission on Human Rights Quarterly Newsletter

## Civil Rights March on Frankfort 40<sup>th</sup> Anniversary



*The Kentucky Commission on Human Rights led 200 people up Capital Avenue in Frankfort on March 3 to re-enact the historic Civil Rights March on Frankfort. People sang freedom songs as they walked in commemoration of the event 40 years ago that helped lead to the Kentucky Civil Rights Act.*

On March 5, 1964, 10,000 people including the Rev. Martin Luther King Jr. and baseball legend Jackie Robinson converged on the capital city of Kentucky to demand an end to segregation in stores, restaurants, theaters and businesses. What would later be called the Historic Civil Rights March on Frankfort acted as a catalyst, which two years later, helped Kentucky become the first state south of the Mason Dixon Line to enact a state Civil Rights Act.

On March 3 of this year, The Kentucky Commission on Human Rights (KCHR) held a 40<sup>th</sup> anniversary celebration of the milestone event. Approximately 200 people attended, traveling from many

parts of Kentucky and surrounding states. Several were participants in the 1964 rally.

KCHR officials led the group in a commemorative march, which followed the original route from Capital Avenue and Fourth Street to the Capitol building. A ceremony inside the Rotunda followed.

Kentucky Gov. Ernie Fletcher, former state Sen. Georgia Davis Powers, Rev. K. L. Moore, state Sen. Gerald Neal, Frankfort Mayor Bill May, former U.S. Rep. Mike Ward and Linda Breathitt spoke.

The governor signed a proclamation in honor of the anniversary and announced his proposal for a Martin Luther King Jr. scholarship at Kentucky

State University in Frankfort to provide full tuition and room and board to a student who embodies Dr. King's ideals.

Keynote speaker Sen. Powers, a 1964 organizer, talked about the ongoing struggle for racial equality as reflected in education and poverty levels for Kentucky blacks. The Louisvillian became the first woman and first African American elected to the state Senate in 1967 and served five terms before retiring in 1988.

Priscilla Johnson, KCHR chair, told the crowd, "Segregation was the legal humiliation of an entire race of people, an outrage that had plagued the Commonwealth from its beginnings."

Rev. Moore of Frankfort was one of several white ministers who pushed for civil rights during the 60s and he spoke at the 1964 event. At the anniversary, he shouted to cheers: "We had our minds made up! Nobody was going to turn us around!"

Ms. Breathitt, daughter of then-Gov. Edward T. Breathitt who helped win and then signed the Kentucky Civil Rights Act, said, "I know my father would be looking down and smiling at all of us." The late governor died last year at 78. He met with Rev. King at the rally.

For many, the anniversary was a chance to reminisce. Former Rep. Ward wore a pin that belonged to his late mother, Lucretia, a 1964 rally organizer. People told reporters of their

*"We had our minds made up! Nobody was going to turn us around!"*

memories. Some had been children who held their parents' hands.

Beverly Watts, KCHR executive director, closed the ceremony by urging people not to get complacent. "We've still got to get out and make it happen," she said.

*(Read more history of the 1964 March on Frankfort in the Executive Director's Column on page two.)*

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Beverly Watts  
Executive Director

## From the desk of

# Beverly Watts

Executive Director



### *Milestones don't happen by themselves*

We have celebrated two major anniversaries in the cause of civil rights so far this year. In addition to our commemoration of the Civil Rights March on Frankfort, the nation marks the 50<sup>th</sup> anniversary in May of the U.S. Supreme Court landmark decision in *Brown v. the Topeka Kansas Board of Education*, the case that finally ended legal segregation in America's schools. In July, we will honor the 40<sup>th</sup> anniversary of the U.S. Civil Rights Act.

Each of these has worked to re-shape the landscape of a nation steeped in legalized prejudice, segregation and oppression. When leadership, activism and citizen participation in the American process come together, anything is possible.

#### **History of the 1964 Civil Rights March on Frankfort**

During the planning of the Civil Rights March on Frankfort 40<sup>th</sup> anniversary, the Kentucky Commission on Human Rights encountered an exciting review of history. We had inspiring conversations with a few of the thousands of people who came out on a blustery, wet day to call for an end to legal discrimination in Kentucky. We heard proud stories told by participants' children and grandchildren. We talked to people who were part of the mammoth grassroots mechanism that organized the march.

The appearance in the state capital of such famous figures as the Rev. Martin Luther King

Jr. and baseball great Jackie Robinson with an organized 10,000 people, both black and white, may have been shocking to many. These ordinary folk from all over Kentucky stood, undaunted by weather and opposition, with prominent civil rights, religious and business leaders – unified by a strong belief in the principles of equality.

They rallied in a peaceful demonstration, calling for a specific action, the passage of House Bill 197, which would prohibit segregation and discrimination in stores, restaurants, theaters and businesses.

Leading up to the event was its orchestration by a courageous organization determined to reach out to people all over Kentucky for participation and support.

Frank Stanley, publisher of *The Louisville Defender* newspaper, was the central force of the grassroots outreach and lobbying drive. His vision and passion culminated in the Allied Organizations for Civil Rights (AOCR), a group of more than 1,000 people, civil rights organizations, churches and businesses. He became the chair of the group. The AOCR set up headquarters in Louisville at Third and Main Streets. Led by its officers, a group of whites and blacks, it formed a network that spread throughout the state. Members dedicated themselves to coordinating the citizenry into a powerful voice.

AOCR officers were Dr. Olof Anderson, co-chair, Eric

Tachau, treasurer, Rev. John Loftus, secretary, Sophia Smith, assistant secretary, and Joseph Hammond, vice-chair of finance. Office Manager Georgia Davis (who later, as Georgia Davis Powers, became Kentucky's first black senator) and Executive Committee member Lucretia "Lukey" Ward played important roles in organizing the march. John Johnson, president of the National Association for the Advancement of Colored People (NAACP), which had 40 state chapters, and Galen Martin, executive director of the Kentucky Commission on Human Rights, were among those who worked relentlessly.

On the day of the rally and with Frank Stanley presiding, Rev. W.J. Hodge of Louisville addressed the crowd with the statement of purpose, which declared: "For over 200 years, Negro Americans have been deprived of the full citizenship promised when the Emancipation Proclamation was issued. You, as a believer in the cause for human dignity, are making your wishes known by participating in this historic petition to our elected officials for a redress of grievances."

Dr. King stepped to the podium, someone holding an umbrella over him as a shield from the sleet. He moved the crowd with his powerful words, his call for equality and freedom. Just seven months before he had delivered his, "I Have a Dream," speech in the famous March on Washington, which ultimately led to the



federal Civil Rights Act. To the people in Frankfort, he said: "The time is now. Now is the time to make real the promises of democracy. Now is the time to transform the jangling discords of our nation into a beautiful symphony of brotherhood. Now is the time to end the long night of segregation and discrimination. Now is the time to make it possible for all God's children to walk the earth with self respect and a sense of dignity."

Jackie Robinson, the first black to play in the major leagues, spoke. "[Don't] march today and forget to follow up...when [you] return home," he said. He urged people to continue letting their representatives know of their seriousness and desire for freedom. "Follow up [your] advantages," the baseball hall of fame member said, "Follow-through is so important."

The famous folk group, Peter, Paul and Mary, sang freedom songs. Other ministers fighting for civil rights spoke: Bishop C. Gresham Marmion and Rabbi Herbert Waller, both of Louisville; Rev. Allen Meier of Covington; and Reverends Ralph Abernathy and Wyatt Walker, both of Atlanta, Ga. The



*Above, former Ky. Sen. Georgia Davis Powers, an organizer of the 1964 march, gave the keynote address at the anniversary ceremony in the Capitol Rotunda. Behind her, a poster of Jackie Robinson and Rev. Martin Luther King Jr. at the march in Frankfort 40 years before.*



*At left, the Civil Rights March on Frankfort, March 5, 1964.*

Frankfort Choral Group led the crowd in singing the "Battle Hymn of the Republic."

Despite the remarkable turnout and the following meeting of the march leaders with Gov. Edward T. Breathitt, and despite the following hunger strikes by students and activists, the bill never made it out of committee that session, which ended just a few weeks later.

However, 10,000 voices had been heard. The 1964 Civil Rights March on Frankfort became one of the major catalysts that led to the passage of the Kentucky Civil Rights Act in 1966, prohibiting discrimination based on race, color and religion in employment and public accommodations. The Kentucky Commission on Human Rights was granted authority to enforce the act, making Kentucky the first in the south to have civil rights enforcement powers on a state level.

Other organized efforts throughout the last four decades have resulted in expansions of the Kentucky Civil Rights Act, which today prohibits discrimination based on race, color, religion, national origin, sex, age, family status,

disability and smoking. It covers the areas of employment, public accommodations, housing and financial transactions.

Like the organized efforts that led to the case of Brown v. the Board of Education and the passage of the U.S. Civil Rights Act, the 1964 March on Frankfort is a remarkable example, a living template for all who continue to work for equality in the U.S. Forty years later, there is still much work to do as evidenced by disparities in employment, education, healthcare and underscored by poverty.

Improvements will take the solidarity, organization and hard work of ordinary people and leaders working together. Our challenge now, like for those people 40 years ago, is to follow up and follow through on the yet unfinished civil rights agenda.

*Below, Rev. K.L. Moore at the anniversary ceremony. Beside him is a poster of Dr. King speaking at the Frankfort rally.*



# In the Public Eye

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## Taxi company ordered to provide service to wheelchair user

The Kentucky Commission on Human Rights ordered a Pineville taxi company on March 24 to compensate a city resident for unlawful discrimination in a public accommodation.

A-One Cab Company owner Donald R. Miller was required to pay \$1,500 to Larry B. Edmonson for denying him service on the basis of a disability, which causes Mr. Edmonson to use a wheelchair.

According to testimony, Mr. Edmonson waited outside his doctor's office in downtown Pineville for 20 to 30 minutes on July 18, 2002, to be picked up by an A-One taxi. The doctor's receptionist ordered the taxi for him and later placed a second call to say he was still waiting. At that time, according to testimony, an A-One representative said the company would no longer transport people using wheelchairs.

In his deposition, the company owner agreed he had set this new policy, stating his cabs were not equipped with chair-lifts. However, the commission found that Mr. Edmonson, who had been a customer of the company on at least 10 previous occasions, did not require a chair-lift and routinely hoisted himself without aid into a taxi vehicle. His foldable wheelchair was stored

in the trunk.

The final order also stated that, "while the denial of service may have been motivated in part by insurance concerns, governing regulations specifically provide that insurance reasons are not a defense to a claim of disability discrimination in this context."

The commission rejected a hearing officer's recommendation to dismiss the case with a finding of no unlawful discrimination, instead ruling that Mr. Miller and his company were in violation of the Kentucky Civil Rights Act, KRS 344.120.

In addition to the monetary damages for embarrassment and humiliation, the commission ordered Mr. Miller to pay the complainant \$90 for actual damages. Mr. Miller was also ordered that to the extent he operates a taxi service in the future, he is to make such services available to Mr. Edmonson.

This is the second time in two years a taxi business has been found in violation of The Kentucky Civil Rights Act for denying service to people with disabilities. In February 2002, a Radcliff taxi company was ordered to pay damages and provide service to a woman using a wheelchair.

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### Civil Rights Hall of Fame



At left, Dr. William Turner, interim president of Kentucky State University in Frankfort, and Beverly Watts, KCHR executive director, signed a memorandum of agreement in March that spells out a collaboration with KSU, the Center of Excellence for the Study of Kentucky African Americans at KSU and KCHR regarding the Kentucky Civil Rights Hall of Fame program. KCHR established the Hall of Fame in 2000 to educate the public on the history of civil rights in Kentucky and to induct individuals who have helped forward equality. The Hall of Fame sculpture was created by KCHR to display photographs of inductees. It is on display at KSU.

### Louisville Police Chief Visits Commission



Louisville Metro Police Chief Robert White attended the March commission meeting. He briefed commissioners about current local police and community relations and the policies of his department governing the use of police force.

### In Honor of late Governor Edward T. Breathitt



Executive Director Beverly Watts presented Linda Breathitt with a Kentucky Commission on Human Rights Resolution honoring Ms. Breathitt's late father, the governor who signed the Kentucky Civil Rights Act in 1966. Gov. Edward "Ned" Breathitt died in October 2003. His public service and commitment to civil rights during a crucial era were courageous and unwavering.



# Gallery of Great Black Kentuckians new member



*Dr. Mary Britton*

Dr. Mary Britton, the first African American female physician in Lexington, has become the 37<sup>th</sup> member of the Gallery of Great Black Kentuckians.

Born in 1855, she studied at Berea College between 1871 and 1874. After graduating, she taught at several schools between 1876 and 1897. Active in a variety of civic organizations, she was secretary to the board for the Colored Orphans Home, founding director of the Colored Orphans Industrial Home and president of the local woman's improvement club. She wrote many newspaper articles against racial seg-

regation for such noted newspapers as the American Citizen, The Daily Transcript and the Lexington Leader. She was active in the Suffrage Movement.

Eventually, she returned to school and graduated from the American Missionary College in Chicago, Ill., returning to Lexington where she became the first black woman to practice medicine. She specialized in hydrotherapy and electrotherapy, from 1904 through 1923 at her home at 545 North Limestone St. She is buried in Lexington Cove Haven Cemetery.

Executive Director Beverly Watts unveiled the new poster at the 132<sup>nd</sup> birthday of another Great Black Kentuckians member from Lexington, famous artist Isaac Scott Hathaway. The Isaac Scott Hathaway Museum in Lexington hosted the event, which featured a talk by well-known

attorney Fred Gray. He has represented such civil rights personages as Martin



*KCHR Chair Priscilla Johnson, Fred Gray and KCHR Executive Director Beverly Watts.*

Luther King Jr. and Rosa Parks, and was a student and friend of the late Mr. Hathaway. Ms. Watts presented the poster of Mary Britton to Yvonne Giles, chair of the Hathaway museum.

## Fair Housing Month puts partners to work



*Fair Housing partners watched as Kentucky Gov. Ernie Fletcher signed the 2004 Fair Housing Month of April Proclamation.*

On March 31, we joined our partners, the U.S. Dept. for Housing and Urban Development (HUD), Kentucky Housing Corporation (KHC) and Kentucky Department for Local Governments (DLG) to witness Gov. Ernie Fletcher signing the proclamation that declared April as Fair Housing Month in

Kentucky.

The Federal Fair Housing Act was enacted as Title VIII of the Civil Rights Act of 1968 and was amended by the Fair Housing Amendments Act of 1988. Kentucky became the first southern state to pass fair housing laws just after the federal government passed such legislation. In 1992, the

Kentucky General Assembly included disability and familial status as protected classes. The Kentucky Human Rights Commission is the state agency responsible for the enforcement of the Kentucky Fair Housing Act. We work closely with the 18 local human rights commissions in Kentucky, which are under city or county ordinances.

In spite of the 40-year history of fair housing laws, discrimination when renting or buying housing remains an everyday fact of life. Partly, it is because many people don't know about fair housing laws, according to HUD. Based on a HUD study done in 2001, about 14 percent of the adult population (28 million people) have been discriminated against. Only 1 percent of people who have experienced discrimination in housing actually file a complaint. Sixty-two percent

do not know it is illegal to treat differently families with children under the age of 18.

Throughout April, we and our partners used Fair Housing Month to provide training to inform people about their rights and how to comply with the law. We provided funding to our local commissions partners to help with their Fair Housing Month efforts.

Fair housing laws prohibit discrimination on the basis of race, color, national origin, sex, familial status (families with children under 18 and pregnant women), religion and disability. This applies to the financing, renting, selling, advertising or availability of any dwelling.

For information about our fair housing education and training programs, contact Cynthia Thornburg or Juan Peña by calling 502.595.4024 or toll free at 1.800.292.5566.

# Partners Page

## Local Commissions News

**\*The Ashland Human Rights Commission** held its annual Housing Carnival on April 17. The program celebrated the official Fair Housing Month of April and featured educational brochures on housing, health information from the Boyd County NAACP, and booths from other local social service and civic organizations. The local commission will celebrate its 25<sup>th</sup> anniversary with a special program later this year. The Ashland commission has a new email address: [Ashlandhumanrights@alltel.net](mailto:Ashlandhumanrights@alltel.net).

**\*The Covington Human Rights Commission** celebrated the anniversary of the expansion of the Covington Fairness Ordinance, which gives protection against discrimination in housing, employment and public accommodations to a variety of protected classes, including that of sexual orientation. The Covington commission unanimously approved the expanded ordinance in April 2003. The local commission received a grant from KCHR utilizing federal fair housing partnership dollars from the U.S. Dept. of Housing and Urban Development (HUD). The Covington commission used the grant to create a video that outlines protections against discrimination in fair housing. The CHRC worked with the Covington Housing Development Department on a Fair Housing poster contest for fifth grade students.

**\*The Lexington-Fayette Urban County Human Rights Commission** hosted the Quad-State Fair Housing and Equal Opportunity Conference March 3–5 at the Hyatt Regency Hotel in Lexington. The program commemorated the 50<sup>th</sup> anniversary of the Brown v. Board of Education Supreme Court decision that desegregated public schools. The conference featured educators, civil rights leaders and social service advocates from Kentucky, Tennessee, North Carolina and South Carolina. KCHR hosted a local commissions round table that featured discussions by our staff on such topics as applying for grants, running a successful local commission, and Latino outreach programs. Local commissioners and staff from Ashland, Covington, Lexington, Owensboro, Louisville and Paducah were among those who attended the round table.

**\*The Midway, Versailles, Woodford County Human Rights Commission** successfully pursued the cause of a woman who applied for the job of girls' soccer coach at Woodford County Junior High School. Rev. Ken Golphin, the chair of the Versailles commission, held a news conference earlier this year saying that the woman, who is black and has been girls soccer coach at Woodford County High School, was better qualified for the position than a white man who has been the boys' soccer coach at the junior high school. After much public discussion, the middle

school hired the black woman. The Versailles commission is planning to help the Woodford County Board of Education implement plans to recruit and hire more minority teachers.

**\*The Bowling Green Human Rights Commission** hosted its 13<sup>th</sup> Annual Women of Achievement Awards Banquet on March 25 at WKU Carroll Knicely Conference Center. Sixteen women accepted awards for their contributions to the community in the areas of education, science and health, creative arts, community service and business. A Youth Achievement Award was also presented. In December, the BGHRC submitted a Fair Housing Ordinance to the U.S. Dept. for Housing and Urban Development (HUD) in Washington D.C. for legal analysis. The commission held Fair Housing activities including a breakfast. The BGHRC welcomed a new administrative assistant and several new board members over the past few months, including the new chair, Mr. C.J. Woods.

**\*The Louisville and Jefferson County Metro Human Relations Commission** is currently sponsoring a television ad campaign promoting Fair Housing.

**\*The Hopkinsville Human Relations Commission** hosted a State Government Career Town Fair on March 17. About 40 residents participated in the all-day event. They were shown how to properly fill out applications and they met with counselors to determine eligibility. On April 14, the Hopkinsville commission hosted a follow-up session, where participants of the March 17 event tested for jobs on-site. Further details about other career activities are available by contacting Bernard Standard at 270.887.4010.

**\*The Murray Human Rights Commission** appointed Dr. Lanette Thurman as chair. The local commission is currently working on Fair Housing activities in the area with the assistance of grant money received from KCHR.

**\*The Mayfield Human Rights Commission** appointed Mr. Henry Blythe as chair. The commission was also recently featured in the Mayfield Messenger newspaper and the Mayfield Matters newsletter.

**\*Announcing a new commission in Lebanon:** The City of Lebanon passed an ordinance in February establishing a local commission. Members are being sought for the board. The new commission was the result of the commitment of Lebanon Mayor Gary Crenshaw.

# Conciliations approved totalling \$23,000

The commission approved six conciliation agreements at monthly meetings in January, February and March. The agreements are not admissions by the respondents of any violations of the law. The respondents deny all allegations of violations of the law. Conciliations are reached through KCHR negotiations between the complainants and respondents in consideration for the full and complete resolution of all claims.

KCHR is the state agency that enforces The Kentucky Civil Rights Act. It receives, initiates, investigates, conciliates, mediates and rules upon jurisdictional complaints. KCHR has jurisdiction in housing, employment, public accommodations and financial transactions.

The Kentucky Civil Rights Act prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status in housing, disability, age (40 or over) in employment, and smoking in employment. Complaints not dismissed, settled or conciliated go to administrative hearing where commission decisions have the authority of a court of law.

**The Fair Housing Council v. Lee Enterprises d/b/a/ The Ledger Independent in Maysville:** In a complaint alleging discrimination based on familial status in housing, in violation of the Kentucky Civil Rights Act, KRS 344.360, a conciliation agreement included the following: The respondent will develop a policy for weeding out discriminatory real estate advertisements, such as those that say "no children allowed" or otherwise violate civil rights; establish an escrow account in the amount of \$2,500 to compensate victims later identified as victims of discrimination for one year after this agreement. If no victims are identified, \$1,250 will revert to the respondent while \$1,250 will be donated to the Court Appointed Special Advocates (CASA) Program of Bracken, Fleming and Mason Counties Inc. The respondent's advertising staff will attend the Fair Housing Council's training session next spring. The respondent will publish a fair housing notice and provide

one quarter-page of free advertising once a month for the next two years for the Fair Housing Council.

## **The Fair Housing Council v.**

**Raymond Bogucki in Maysville:** In a complaint alleging discrimination based on familial status in housing, in violation of the Kentucky Civil Rights Act, KRS 344.360, a conciliation agreement included the following: The respondent will compensate the complainant in the amount of \$3,000; post a fair housing poster and distribute fair housing literature to potential real estate clients; attend fair housing law training; allow the complainant to conduct three tests for discrimination over the next two years; develop a non-discrimination policy for rental properties; and report to the commission for five years.

**Tammy Congleton v. Kentucky Cabinet for Health Services d/b/a/ Oakwood Training Facility:** In a complaint alleging discrimination based on sex in employment, in violation of KRS 344.040, a conciliation agreement included the following: The respondent will inform employees in writing and verbally of its policy prohibiting sexual harassment; post equal employment opportunity posters; conduct sexual harassment training for managers at The Communities at Oakwood; and report to the commission regarding compliance for three years.

**Rickie French v. Two M Company Inc. (d/b/a/ Montgomery on Preston) and Universal Underwriters Acceptance Corporation in Louisville:** In a complaint alleging discrimination based on disability in a public accommodations, in violation of the Kentucky Civil Rights Act, KRS 344.120, a conciliation agreement included the following: The Two M Company agreed to compensate the complainant in the amount of \$2,500; Universal Underwriters Acceptance Corp. agreed to compensate the complainant in the amount of \$250; The Two M Company will inform employees of its public accommodations policies, have employees participate in civil rights compliance training, and will post a public accommodations welcome notice in a public area of its business; Two M will report to the commission regarding civil

rights law compliance for three years.

## **Howard Moss v. Otis and Judith**

**Elliott in Mayfield:** In a complaint alleging discrimination based on race in housing, in violation of the Kentucky Civil Rights Act, KRS 344.360, a conciliation agreement included compensation by the respondents to the complainant in the amount of \$1,000. The respondents agreed to post information about the right to fair housing so that it may be seen by potential clients, distribute brochures about the right to fair housing to potential clients, attend fair housing law compliance training, and report to the commission with regard to civil rights compliance for two years.

## **Donna Dickenson and Thomas**

**Lewis v. Elsie Ware and Eddie Kegley in Nicholasville:** In a complaint alleging discrimination based on race in housing, in violation of the Kentucky Civil Rights Act, KRS 344.360, a conciliation agreement included compensation by the respondents to each of the complainants in the amount of \$7,500, for a total of \$15,000. The respondents agreed to turn over the title of a mobile home purchased by the complainants, attend fair housing law compliance training, post information about the right to fair housing so that it may be seen by potential clients, distribute brochures about the right to fair housing to potential clients, and report to the commission with regard to civil rights compliance for two years.

In other business, the commission dismissed 74 complaints with findings of no probable cause, accepted eight complaint-withdrawals without settlement and four withdrawals with settlement.



*Complainant Rickie French received a check in February for \$2,750 as part of a conciliation agreement.*

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# **HUMAN RIGHTS REPORT**

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